IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL SIDE APPELLATE JURISDICTION

FIRST APPEAL NO.376 OF 2005

Employees State Insurance Corporation Appellants
vs.
New Maker Chambers IV Premises Co-operative Society Ltd. Respondents

Mr.R.M.Jaykar with Miss Dimple Mehta i/b.M/s.M.V.Jaykar & Co. for appellants.

None for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 2nd November, 2007

JUDGMENT:

The appellants are a Corporation administrating the scheme of the Employees State Insurance in accordance with the provisions of the Employees State Insurance Act, 1984 (ESI Act). The respondent is a cooperative society incorporated and registered under the Maharashtra Cooperative Societies Act, 1960, having its registered office at 22, Nariman Point, Bombay 400 021.

2. On 3.4.1986 an inspector from the appellants visited the respondent's premises for inspection.

3. On 27.9.1988, the appellants sent a letter informing that the respondents are covered under ESI Act.

4. On 21.11.1988 the respondent vide a letter to the appellant raised objections to the coverage under the ESI Act.

5. On 14.12.1988 the appellants by a letter rejected the submissions by the respondent and informed that the respondents are covered under Section 1(5) of the ESI Act as amended.

6. On 17.1.1989, a Show cause Notice for non payment of contributions was issued to the respondents by the appellants.

7. On 5.10.1989, the appellants sent a letter in form C-18 to the respondents reminding the respondents for non submissions of return of contributions.

8. On 13.2.1990, an application before the ESI Court filed by the respondents.

9. On 13.2.2004 the application is allowed and order quashing the Recovery Notices is passed. The respondents are held not liable to be covered under the ESI Act. Hence the appeal.

10. In view of the reasoning given in the common judgment dated 2nd November, 2007 in First Appeal No.844 of 2004 along with other First Appeals, this First Appeal is also dismissed and disposed of accordingly.

. No order as to costs.

[ANOOP V. MOHTA,J.]